

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Alphonso Haynesworth,) Case No. 2:24-cv-3042-CMC-MGB

Plaintiff,)

v.)

ORDER

Leonka Garvin; Dr. Dube; Lisa Young;)
Mr. Albrit; SVPTP; Henry McMaster;)
SC Department of Mental Health; and)
Alan Wilson,)

Defendants.)

Alphonso Haynesworth,)

Plaintiff,)

v.)

Case No. 2:23-cv-05277-CMC-MGB

Dr. Dube; Leonka Garvin; Lisa Young;)
Ron Lawrenz; Stephan Albrecht; Mr.)
Gaines; and Ms. Thompson,)

Defendants.)

ORDER

In these consolidated cases, Plaintiff, currently in the custody of the South Carolina Department of Mental Health (“DMH”) as part of the Sexually Violent Predator Treatment Program (“SVPTP”) alleges violations of his constitutional rights related to internal disciplinary actions taken against him. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., these matters were referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings, including, as relevant here, issuance of summons by the Clerk of Court for service of process and recommendations to the district judge as to dispositive issues.

Certain Defendants have already been served. The instant Report concerns service of process for DMH, Henry McMaster, and Alan Wilson. After a court order to provide service documents, Plaintiff submitted proposed service documents for DMH and Alan Wilson, but not Henry McMaster. In the instant Report, the Magistrate Judge has ordered the Clerk of Court to issue summonses for DMH and Alan Wilson and forward them to the United States Marshal for service of process by September 13, 2024. ECF No. 71 at 2-3. DMH and Alan Wilson were directed to file a responsive pleading if service is effected. *Id.* at 4. Finally, the Magistrate Judge recommends Defendant Henry McMaster be dismissed without prejudice for lack of prosecution. *Id.*

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

Plaintiff filed a response to the Report, agreeing with the “terms of the Report and Recommendation” and with “Amended Scheduling Order that will be schedule by this Court September 13, 2024.” ECF No. 81 at 1. As there are no objections, the court has reviewed the

Report, along with the record and applicable law, for clear error. Finding none, the court adopts the Report by reference in this Order. Defendant Henry McMaster is hereby dismissed from this action without prejudice for failure to prosecute.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
August 13, 2024